

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Keith Wellin, individually and as Trustee of the  
Keith S. Wellin Florida Revocable Living Trust  
u/a/d December 11, 2001,

Plaintiff,

-vs-

Peter J. Wellin, Cynthia W. Plum, and Marjorie W.  
King, individually and as Co-Trustees and  
Beneficiaries of the Wellin Family 2009 Irrevocable  
Trust u/a/d November 2, 2009, and Friendship  
Management, LLC,

Defendants.

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Lester S. Schwartz, as Trust Protector of the  
Wellin Family 2009 Irrevocable Trust,

Plaintiff,

-vs-

Peter J. Wellin, Cynthia W. Plum and Marjorie W.  
King, individually and as Co-Trustees and  
Beneficiaries of the Wellin Family 2009 Irrevocable  
Trust, Friendship Management, LLC, and Cynthia  
W. Plum as Manager of Friendship Management,  
LLC,

Defendants.

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Peter J. Wellin, Cynthia W. Plum and Marjorie W.  
King, as Co-Trustees of the Wellin Family 2009  
Irrevocable Trust,

Counterclaim Plaintiffs,

-vs-

Lester S. Schwartz, Esq., as Trust Protector of the  
Wellin Family 2009 Irrevocable Trust u/a/d  
November 2, 2009, and Keith Wellin, as Grantor of  
the Wellin Family 2009 Irrevocable Trust u/a/d  
November 2, 2009,

Counterclaim Defendants.

C/A No. 2:13-cv-1831 DCN

**ORDER**

C/A No. 2:13-cv-3595 DCN

|  |   |                          |
|--|---|--------------------------|
| Peter J. Wellin, Cynthia Wellin Plum, and    | ) | C/A No. 2:14-cv-4067 DCN |
| Majorie Wellin King, Individually and as     | ) |                          |
| Co-Trustees and Beneficiaries of the Wellin  | ) |                          |
| Family 2009 Irrevocable Trust u/a/d          | ) |                          |
| November 2, 2009,                            | ) |                          |
|  | ) |                          |
| Plaintiffs,                                  | ) |                          |
|  | ) |                          |
| -vs-   | ) |                          |
|  | ) |                          |
| Wendy Wellin, Individually and as Trustee of | ) |                          |
| the Keith S. Wellin Florida Revocable Living | ) |                          |
| Trust u/a/d December 11, 2001,               | ) |                          |
|  | ) |                          |
| Defendants.                                  | ) |                          |
|  | ) |                          |

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The above referenced case is before this court upon the Special Master's Report and Recommendation that plaintiff's motion for protective order be granted and that the 30(b)(6) deposition notice of the Estate of Keith Wellin, deceased, be quashed.

This court is charged with conducting a de novo review of any portion of the Special Master's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the Special Master. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the Special Master's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).<sup>1</sup> **No objections have been filed to the magistrate judge's report and recommen-**

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<sup>1</sup>In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him of what is required.'" Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the consequences at the appellate level of his failure to object to the magistrate judge's report.

**ation.**

A de novo review of the record indicates that the Special Master's report accurately summarizes this case and the applicable law. Accordingly, the Special Master's report and recommendation is **ADOPTED**, plaintiff's motion for protective order is **GRANTED**, and the 30(b)(6) deposition notice of the Estate of Keith Wellin, deceased is **QUASHED**.

**AND IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'D. Norton', written over a horizontal line.

David C. Norton  
United States District Judge

March 31, 2017  
Charleston, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.